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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|----------------------|-----------------|
| In re United States Patent Application of: |) | Docket No.: | 4258-119 |
| Applicants: |) | Conf. No.: | 8556 |
| GOMEZ ROMAN, Jose Javier, |) | | |
| et al. |) | | |
| Application No.: |) | Art Unit: | |
| 10/563,025 |) | | |
| Date Filed: |) | Examiner: | |
| December 30, 2005 |) | | |
| Title: |) | Customer No.: | |
| IN VITRO METHODS FOR |) | | |
| DETECTING RENAL |) | | |
| CANCER |) | | 23448 |

FACSIMILE TRANSMISSION CERTIFICATE

Fax No. (571) 273-8300

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and transmitted on the date specified below, to United States Patent and Trademark Office facsimile transmission number (571) 273-8300.

11

Number of Pages


Donna Donovan

August 3, 2007

Date

**RESPONSE TO JULY 3, 2007 NOTIFICATION OF DEFECTIVE RESPONSE IN
U.S. PATENT APPLICATION NO. 10/563,025**

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Commissioner for Patents
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4258-119

Sir:

This responds to the July 3, 2007 Notification of Defective Response in above-identified U.S. patent application. Enclosed and submitted herewith is a copy of the Declaration and Power of Attorney executed by the inventors, as filed September 11, 2006 in response to the August 2, 2006 Notice to File Missing Parts. This Declaration and Power of Attorney document reflects the true inventorship of the 10 named inventors who signed the Declaration and Power of Attorney. Maria Eladia Arguelles Sanchez, an eleventh individual whose name appeared in the originally filed international patent application papers submitted with the present application, is not an inventor for the present U.S. §371 application based on the international patent application.

The July 3, 2007 Notification of Defective Response was received in the office of the undersigned attorney on July 17, 2007¹. In response to the July 3, 2007 Notification of Defective Response, diligent efforts have been initiated and are continuing, to secure a statement from Maria Eladia Arguelles Sanchez that she was named as a co-inventor (in the earlier international application) in error and without deceptive intention. In lieu of such statement, enclosed is a copy of a March 10, 2006 letter from the Spanish law firm representing the inventors' assignee, Progenika Biopharma, S.A., stating that such assignee "erroneously included" Maria Eladia Arguelles Sanchez as an inventor, and that the Spanish law firm has corrected this error.

While no fee or payment is submitted to be applicable to this response, the Commissioner is hereby authorized to charge any fees properly payable for this response to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants

¹ There was thus a significant mail delay, between the July 3, 2007 date of the Notification and the stamped-in receipt date of July 17, 2007 in the undersigned attorney's office for such Notification.

4258-119

**INTELLECTUAL PROPERTY/
TECHNOLOGY LAW**
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4258-119

Enclosures:**Declaration and Power of Attorney [4 pgs.]****March 10, 2006 Correspondence from Foreign Attorney [2 pgs.]****Return Copy of Notification of Defective Response [2 pgs.]**

**The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees
properly payable for this document to Deposit Account No. 08-3284**



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|--|-------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/563,025 | Jose Javier Gomez Roman | 4258-119 |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/EP04/07195 | | |
| 23448 | I.A. FILING DATE | PRIORITY DATE |
| INTELLECTUAL PROPERTY / TECHNOLOGY LAW | 06/30/2004 | 06/30/2003 |

23448

INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

CONFIRMATION NO. 8556

371 FORMALITIES LETTER

IPTEL

0000000024659098

Date Mailed: 07/03/2007

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- **Indication of Small Entity Status**
- **Priority Document**
- **Copy of the International Application filed on 12/30/2005**
- **Copy of the International Search Report filed on 09/14/2006**
- **Preliminary Amendments filed on 12/30/2005**
- **Information Disclosure Statements filed on 06/05/2006**
- **Biochemical Sequence Diskette filed on 12/30/2005**
- **Oath or Declaration filed on 12/30/2005**
- **Small Entity Statement filed on 12/30/2005**
- **Request for Immediate Examination filed on 12/30/2005**
- **U.S. Basic National Fees filed on 12/30/2005**
- **Priority Documents filed on 12/30/2005**

Resp. Due
8/3/07
Doo

Applicant's response filed 09/14/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 08/02/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - All Inventor/Applicants have not signed. Published application list 11 inventors. Declaration only list 10.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under

37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebsc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/563,025 | PCT/EP04/07195 | 4258-119 |

FORM PCT/DO/EO/916 (371 Formalities Notice)